

### REMARKS

Applicant has carefully studied the Office Action of October 6, 2004, and offers the following remarks to accompany the above amendments.

Applicant initially amends the specification in three places to correct typographical errors. No new matter is added, but the specification is now easier to read.

Before addressing the rejections, Applicant provides a brief summary of the present invention so that the remarks are considered in the proper context. The present invention is designed to allow users to approve selective credit card transactions through the use of an additional verification process. Specifically, when a user uses a credit card, the authorization service contacts the user through a communication device and requests that the user approve the use of the credit card. This approval is conveyed to the payment authority and the transaction is then processed. To reduce the number of times that a user may be required to approve transactions, the present invention allows the user to create a profile that delineates when the user is to be contacted for approval. For example, the profile may indicate that credit card purchases under \$20.00 do not require an approval signal from the user. This profile is stored on a presence server in the network. By virtue of the storing of the profile in the network, network usage securing approval is reduced since fewer messages have to be sent to the communication device to complete the credit card transactions.

Applicant herein amends claims 1, 9, 16, 17, and 21 to recite "examining an account profile to determine if the transaction requires approval" and "sending an approval request if the transaction requires approval." Support for this can be found in original claims 4 and 12. Applicant notes that the specification clearly differentiates approval from authorization at page 4, lines 4-7. While original claims 4 and 12 indicated the profile was used to determine if authorization was required, "authorization" in those claims should have been approval pursuant to the definitions of the specification. The amended language mirrors the provided definition of the specification. Claim 1 recites that the profile is stored on a presence server. Support for this amendment can be found at page 9, line 21 of the specification.

Applicant cancels claims 4, 7, 8, 12, 15, and 23, as redundant in light of the amendments to the independent claims.

Claims 1-3, 6, 9-11, 13, 14, 17, 21 and 22 are amended to correct antecedent basis issues.

Claims 1-8 and 18 were rejected under 35 U.S.C. § 101 on the basis that the claimed invention is directed to a non-statutory subject matter. Applicant respectfully traverses.

Applicant has amended claim 1 to recite the presence server and the communication device. Both elements constitute the use of tangible objects and thus fall within the statutory subject matter outlined by 35 U.S.C. § 101. Applicant requests withdrawal of the § 101 rejection of claims 1-8 at this time.

Applicant has canceled claim 18 thereby mooted this rejection.

Claims 1-25 were rejected under 35 U.S.C. § 102(e) as being anticipated by Joao et al. (hereinafter "Joao"). Applicant respectfully traverses. For a reference to be anticipatory, the reference must show each and every claim element. Furthermore, the elements of the reference must be arranged as claimed. MPEP § 2131.

As amended, the independent claims recite the functionality of original claims 4, 12, and 23. Specifically, the claims recite examining an account profile, determining if the transaction requires approval, and sending an approval request to the user is done if the transaction requires approval. That is, the claimed invention evaluates the account profile to see if approval is required prior to sending the approval request. The Patent Office opines that this element is taught at Joao at col. 7, line 48-col. 8, line 36. Applicant respectfully traverses. Joao teaches that the communication device may be programmable so as to analyze the transaction and reply based thereon (see col. 7, lines 48-60). However, it is the communication device which is so programmed. This programming is not a "profile" as the term is used in the present application. Even if this programming is a "profile", it is not stored in the presence server as recited in claim 1.

Joao col. 7, line 48-col. 8, line 36 clearly describes that the approval request is initially sent to the communication device and then the programming (which the Patent Office has identified as a "profile") is consulted, not that the profile is consulted and then the approval request is sent only if needed as recited in the claims. The presently claimed invention reduces network traffic by storing the profile on the network and only generating approval requests if needed as indicated by the profile. Thus, the presently claimed invention has an advantage over the programmed communication device of Joao, and the presently claimed invention is not shown by Joao. Since Joao does not teach or suggest a claim element, Joao does not anticipate the independent claims. Since Joao does not anticipate the independent claims, Joao does not

anticipate the dependent claims. Applicant requests withdrawal of the § 102(e) rejection of claims 1-3, 5, 6, 9-11, 13, 14, 16, 17, 21 and 22 at this time.

Applicant requests reconsideration of the rejections in light of the amendments and remarks presented herein. Joao does not teach or suggest the profile being stored on a presence server or examining the profile to determine if the transaction requires approval prior to sending the approval request. Applicant earnestly solicits claim allowance at the Examiner's earliest convenience.

Respectfully submitted,

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